

Statutory Requirements for  
Ethics Training, effective January 1, 2004  
Government Code sections 11146 – 11146.4: Title 2 CCR, Div 6, sec 18370

§ 11146 Definitions .....	2
§ 11146.1 Course offering .....	2
§ 11146.2 Records .....	2
§ 11146.3 Times for attendance .....	2
§ 11146.4 Special requirements .....	2
CCR Title 2 Div 6, sec. 18370 .....	2
NOTE: .....	3

### **§ 11146 Definitions**

For purposes of this article, the following terms have the following meanings:

(a) "State agency" has the same meaning as set forth in Section 82049, but does not include the Legislature.

(b) "Filer" means each member, officer, or designated employee of a state agency who is required to file a statement of economic interests under either Article 2 (commencing with Section 87200) or Article 3 (commencing with Section 87300) of Chapter 7 of Title 9 because of the position he or she holds with the agency.

### **§ 11146.1 Course offering**

Each state agency shall offer at least semiannually to each of its filers an orientation course on the relevant ethics statutes and regulations that govern the official conduct of state officials.

### **§ 11146.2 Records**

Each state agency shall maintain records indicating the specific attendees, each attendee's job title, and dates of their attendance for each orientation course offered pursuant to Section 11146.1 for a period of not less than five years after each course is given. These records shall be public records subject to inspection and copying consistent with subdivision (a) of Section 81008 and otherwise subject to the California Public Records Act (Chapter 3.5 (commenting with Section 6250) of Division 7 of Title 1).

### **§ 11146.3 Times for attendance**

Except as set forth in section 11146.4, each filer shall attend the orientation course required in Section 11146.1, as follows:

(a) For a filer who holds a position with the agency on January 1, 2003, not later than December 31, 2003 and, thereafter, at least once during each consecutive period of two calendar years commencing on January 1, 2005.

(b) For a person who becomes a filer with the agency after January 1, 2003, within six months after he or she becomes a filer and at least once during each consecutive period of two calendar years commencing on the first odd-numbered year thereafter.

### **§ 11146.4 Special requirements**

(a) The requirements of Section 11146.3 shall not apply to filers with a state agency who have

taken an equivalent ethics orientation course through another state agency or the Legislature within the time periods set forth in subdivision (a) or (b) of Section 11146.3, as applicable.  
(b) State agencies may jointly conduct and filers from more than one state agency may jointly attend an orientation course required by Section 11146.1, as long as the course content is relevant to the official duties of the attending filers.  
(c) Before conducting each orientation course required by Section 11146.1, state agencies shall consult with the Fair Political Practices Commission and the Attorney General regarding appropriate course content.

### **CCR Title 2 Div 6, sec. 18370**

(a) Core content topics. The topics enumerated in subdivisions (a)(1) to (a)(16) of this regulation are considered by the Commission to be the core content of an ethics orientation course conducted by a state agency pursuant to Government Code Section 11146.1. The course should include instruction in each of the following topics:

(1) Conflicts of Interest under the Political Reform Act (Gov. Code sections 87100, and 87103).

(2) Limitations on the Receipt of Gifts (Gov. Code sections 86203, 89503, and 89506).

(3) Honoraria Ban (Gov. Code section 89502).

(4) Contractual Conflicts of Interests: All Contracts (Gov. Code section 1090 et seq.) and Contractual Conflicts of Interest: State Contracts (Pub. Contract Code section 10410).

(5) Ban on Free Transportation (Cal. Const. Art. XII. Section 7).

(6) Incompatible Activities of State Officers and Employees (Gov. Code section 19990).

(7) Doctrine of Incompatible Offices.

(8) Misuse of Public Funds (Pen. Code section 424; Gov. Code section 8314; Fair Political Practices Commission v. Suitt (1979) 90 Cal. App. 3d 125; Stanson v. Mott (1979) 17 Cal. 3d 206).

(9) Conflicts of Interest and Campaign Contributions (Gov. Code section 84308).

(10) Special Restrictions on Personal Loans (Gov. Code section 87460 et seq.).

(11) Common Law Doctrine Against Conflicts of Interest.

(12) Government Code section 8920 et seq. (the Code of Ethics).

(13) Conflicts of Interest When Leaving Office (Gov. Code sections 87400-87407; Pub. Contract Code section 10411).

- (14) The state agency's incompatible activities statement.
- (15) Other government ethics laws specific to the state agency.
- (16) Any other material that the agency or the Commission considers appropriate.
- (b) In cooperation with the Attorney General of California, the Commission shall maintain an ethics-training program, which provides an orientation to the core content topics identified in subdivision (a) of this regulation.
- (c) Compliance with Gov. Code section 11146.4(c).
- (1) A state agency conducting an ethics orientation course as required by Government Code section 11146.1 may request the Commission's consultation on the substantive content of its orientation course with regard to the following core content topics:
- (A) Conflicts of Interest under the Political Reform Act (Gov. Code sections 87100, and 87103).
- (B) Limitations on the Receipt of Gifts (Gov. Code sections 86203, 89503, and 89506).
- (C) Honoraria Ban (Gov. Code section 89502).
- (D) Conflicts of Interests and Campaign Contributions (Gov. Code section 84308);
- (E) Special Restrictions on Personal Loans (Gov. Code section 87460 et seq.)
- (F) Conflicts of Interest When Leaving Office (Gov. Code sections 87400-87407; Pub. Contract Code section 10411).
- (2) A state agency conducting an ethics orientation course may request the Commission's consultation on the substantive content by submitting a copy of the proposed course materials to the Executive Director at least thirty (30) working days prior to the date on which the state agency proposes to conduct the ethics orientation course. The Executive Director shall respond in writing to the state agency not more than twenty-one (21) working days after the submission is received.
- (d) A state agency conducting an ethics orientation course may, in lieu of consultation with the Commission pursuant to subdivision (c) of this regulation, incorporate the ethics training program jointly provided by the Commission and the Attorney General (see subdivision (b), above) into its course and require each participant in the course to complete the program. A state agency complying with this subdivision shall be considered to have consulted with the Commission pursuant to Government Code section 11146.4(c).

**NOTE:**

Authority cited: Section 83112, Government Code. Reference: Sections 11146.1 and 11146.4(b), Government Code.